

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON SCIENCE AND TECHNOLOGY  
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT**

Hearing on

*Amending Executive Order 12866: Good Governance or Regulatory Usurpation?  
Part II*

April 26, 2007

**STATEMENT OF REP. DANA ROHRABACHER (R-CA)**

Thank you Mr. Chairman. I will be filling in for Mr. Sensenbrenner today, as he was called away to serve as Ranking Member on the Select Committee on Energy Independence and Climate Change.

I'd like to welcome our witnesses here today. I understand that, for many of them, this is their second appearance before Congress on this topic – having testified before the Judiciary Committee in February. I'm also glad to see that the Administration is here to clear up any misconceptions either side of the aisle may have.

I've served on the Science Committee for almost 20 years, so I am fully aware of how science and research influence the regulatory process. I've also seen how several Administrations have chosen to organize and oversee the regulatory process. In the past, each President has set up his own guidelines upon taking office. With that in mind, I think it's worth noting that we are here today discussing this issue in the seventh year of the current Administration. Up until this point, the current Administration had been operating under President Clinton's Executive Order. Furthermore, the new Executive Order that we are looking into today simply makes minor clarifications and leaves the vast majority of the Clinton Administration's Executive Order in place. Asking Agencies to report work on "market failure" and "cost-benefit analysis" that they are already required to do doesn't seem like a giant leap to me. Also, if we are going to have regulatory policy officers at agencies as the previous Executive Order required, it might be a good idea to ensure that they are accountable to someone.

Ultimately all Executive Orders only stand as long as the current President is in office. In all likelihood, the next President will modify, or even replace this Executive Order in a few years. Viewing this topic in this light, I think that the issues that we will address here today have less to do with their policy implications, and more to do with *who* issued them. That being said, I will certainly follow how this Executive Order is implemented to ensure that public health and safety are preserved, and that there continues to be transparency and accountability in our regulatory process.

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